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STATES PATENT AND TRADEMARK OFFICE UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov AUG 1 2 2010 CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO FILING DATE P/63920 5915 10/561,117 03/23/2007 Reinhold Schmitt 7590 08/04/2010 **EXAMINER** Kirchstein Ottinger Israel & Chiffmiller DINH, TUAN T 489 Fifth Avenue New York, NY 10017 ART UNIT PAPER NUMBER 2841 MAIL DATE DELIVERY MODE

Please find below and/or attached an Office communication concerning this application or proceeding.

08/04/2010

PAPER

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) | | |
|--|---|--|--|--|
| Notice of Abandonment | 10/561,117 | SCHMITT ET AL. | | |
| | Examiner | Art Unit | | |
| | Tues T. Dish | 2844 | | |
| The MAILING DATE of this communication app | Tuan T. Dinh | 2841 | | |
| - The MAILING DATE OF this communication app | ears on the cover sheet with the co | onespondence address- | | |
| This application is abandoned in view of: | | | | |
| Applicant's failure to timely file a proper reply to the Office letter mailed on 14 January 2010. A reply was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply (including a total extension of time of month(s)) which expired on | | | | |
| (b) A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. | | | | |
| (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). | | | | |
| (c) A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). | | | | |
| (d) ⊠ No reply has been received. | | | | |
| 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). | | | | |
| (a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). | | | | |
| (b) The submitted fee of \$ is insufficient. A balance of \$ is due. | | | | |
| The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ | | | | |
| (c) The issue fee and publication fee, if applicable, has not been received. | | | | |
| 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). | | | | |
| (a) Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply. | | | | |
| (b) 🗌 No corrected drawings have been received. | | | | |
| 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. | | | | |
| 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application. | | | | |
| 6. The decision by the Board of Patent Appeals and Interfere of the decision has expired and there are no allowed claim | | e the period for seeking court review | | |
| 7. The reason(s) below: | | | | |
| Telephone interview with Mr. Alan Israel (Reg. No. 27,564) on 07/20/2010 that he confirms this application now is abanded, and further, according to he said the proper address of his law firm now is: 425 Fifth Ave. NewYork NY 10016. | | | | |
| | /Tuan T Dinh/ | | | |
| | Primary Examiner, Art Unit | 2841 | | |
| • | | | | |
| Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdra minimize any negative effects on patent term | w the holding of abandonment under 37 C | CFR 1.181, should be promptly filed to | | |

| | Application No. | Applicant(s) | |
|--|------------------------------------|---------------------------------|--|
| Examiner-Initiated Interview Summary | 10/561,117 SCHMITT ET AL. | SCHMITT ET AL. | |
| Examiner-indated interview Summary | Examiner | Art Unit | |
| | Tuan T. Dinh | 2841 | |
| All Participants: | Status of Application: | | |
| (1) <u>Tuan T. Dinh</u> . | (3) <u>Alan Israel</u> . | | |
| (2) | (4) | | |
| Date of Interview: 20 July 2010 | Time: | | |
| Type of Interview: ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant ☐ Applic Exhibit Shown or Demonstrated: ☐ Yes ☐ No If Yes, provide a brief description: | ant's representative) | | |
| Part I. | | | |
| Rejection(s) discussed: | | | |
| Claims discussed: | x | | |
| Prior art documents discussed: | | | |
| Part II. | | | |
| SUBSTANCE OF INTERVIEW DESCRIBING THE GENE Telephone interview with Mr. Alan Israel (Reg. No. 27,564) on 0 further, according to he said the proper address of his law firm n | 7/20/2010 that he confirms this ap | plication now is abanded, and | |
| Part III. | | | |
| □ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability. □ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above. | | | |
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| /Tuan T Dinh/ Primary Examiner, Art Unit 2841 | Applicant/Applicant's Representat | ive Signature – if appropriate) | |
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